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Workmen's Compensation Decisions

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evidence the grantor's mental incapacity at the time of the execution and delivery of the deed was not sustained by plaintiffs. The judgment of the trial court was reversed.

WORKMEN'S COMPENSATION DECISIONS

Loss of sight is not "total" where, by use of glasses, a large percentage of vision may be attained.—Travelers' Insurance Co. vs. Richmond, 291 S. W. 1085 (Texas March 1927).

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Where the employment exposes a workman to a greater risk than that to which the public is exposed in an earthquake injury is compensable.—Enterprise Dairy Co. vs. Industrial Commission, 254 Pac. 274 (Cal. Feb. 1927).

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The fact that an injured employee does not know the full extent of the injury sustained by an accident does not avoid the prescription that claim can not be filed after one year.—McLaughlin vs. Western Union, 17 Fed. 574 (La. Feb. 1927).

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Where tuberculosis results from pneumoconiosis as consequence of inhalation of dust during employment, the injury and every consequence of the injury arose in course of employment.—Cishowski vs. Clayton Mfg. Co., 136 Atl. 472 (Conn. March 1927).

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A bricklayer, employed by laundry company to wall up a pit near two wells in which pumping equipment is to be installed is not an employee engaged in the usual or ordinary business of the employer.—Oilmen's Reciprocal Association vs. Gilleland, 291 S. W. 197 (Texas Feb. 1927).

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Person operating repair shop, frequently employed by trucking company to fix furniture injured in course of its trucking operations, even though not an independent contractor, is engaged in work that is casual and not in the usual course of employer's business.—York Junction Transfer Co. vs. Industrial Commission, 254 Pac. 279 (Cal. Feb. 1927).

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Average weekly wages of an injured person, for purpose of compensation, must be ascertained by past earnings and not by what may be earned in future, and proper method of determining such wages where employee works holidays and Saturdays is to divide total wages by number of weeks worked.—White vs. Pinkerton Co., 291 S. W. (Tenn. March 1927).

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A drapery hanger who, in the discharge of his duties, had to travel by train from place to place, was killed by a fellow passenger who was shooting at the conductor, and the widow was denied compensation on the ground that the injury did not arise out of or in the course of employment.—Maryland Casualty Co. vs. Peek, 137 S. E. 121 (Ga. March 1927).

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Widow of employee received compensation for death of husband injured in course of employment, and, on refusal of insurance carrier to sue third party liable, brought suit and recovered, but the insurance

carrier was not liable for attorney's fees although it was thus reimbursed for amount of award.—Barrett vs. Indemnity Co., 136 Atl. 542 (Md. Jan. 1927).

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Where employee, engaged in building road, makes use of barn rented by the employer to give the men sleeping quarters but use of which is entirely optional, injury caused by fire while so sleeping is not within the terms of the act. Employee who leaves employer's premises at close of day's work and passes beyond area expressly or impliedly made incidental to the employment ceases to be in course of employment.—Guiliano vs. O'Connell, 136 Atl. 677 (Conn. March 1927).

TENDENCIES, LEGISLATIVE, JUDICIAL AND EXECUTIVE

Last month we presented some facts under the heading "Tendencies, Legislative and Judicial". In continuing such presentation from time to time, it appears appropriate to include the executive department. The first tendency of that nature which appear to merit consideration—and it certainly is a tendency, at least so far as Europe is concerned—is that represented by the "Charter of Labor" principles, enacted into law in 1926, and now further supplemented by decree of the autocrat of the Italian breakfast table, Mussolini. Briefly summarized, the enunciated principles are:

1. Lack of insufficiency of private initiative alone brings state interference in economic production; 2. All elements of production must bear equally the effects of financial panics and stoppages of production; 3. Conciliation must be tried before judicial action can be taken in collective controversies; 4. Wages, hours and conditions of labor must be fixed by collective contracts; 5. There must be a minimum wage for piece work, and wages must be paid regularly every week or every two weeks, night work to be figured at a higher rate than day work; 6. Workmen have a right to a day of rest, but hours of work must be scrupulously observed by workers; 7. After one year of uninterrupted work, the workman is entitled to a vacation on pay; 8. Discharge of a workman, in industries operating continuously, entitles him to compensation proportionate to the number of years he has served, in case such discharge is for reasons beyond his control; 9. Provision must be made for the prevention of accidents and for insurance against accident, the burden of insurance to be borne by both employers and employees, and the service co-ordinated by the State.

Judicially, two decisions of the U. S. Supreme Court are worthy of notice. The first deals with the validity of the Virginia sterilization law, which the Court held to be constitutional, the following language appearing in the opinion: "It is better for the world, if, instead of waiting to execute degenerate off-spring from crime, society can prevent those who are manifestly unfit from continuing their kind". Comments for and against the correctness of this view are being freely made, the gist of the expressions of reviewers taking a contra position being that the available information is so slight and the variety of expert opinion so great that the laying down of a general principle that the State may decide arbitrarily who shall be allowed to have children and who shall not establishes a dangerous precedent. Meanwhile official reports disclose the sterilization of mental defectives in several